

# GAME, FISH, PREDATORS, AND BOATING

## CHAPTER 219

### SENATE BILL NO. 2353

(Senator Christmann)  
(Representatives Carlson, Kasper)

### HUNTING BY HANDICAPPED PERSONS

AN ACT to amend and reenact subsection 11 of section 20.1-02-05 of the North Dakota Century Code, relating to hunting by handicapped persons on lands controlled by the board of university and school lands.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

<sup>117</sup> **SECTION 1. AMENDMENT.** Subsection 11 of section 20.1-02-05 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

11. Issue, ~~at the director's discretion,~~ special permits to shoot wildlife from a stationary motor vehicle upon application from individuals who are physically unable to walk for purposes of hunting or taking wildlife or who have lost the use of an arm at or below the elbow. The application must be accompanied by a physician's statement verifying the person's condition, and if used to hunt on lands controlled by the board of university and school lands, must designate the land on which the individual intends to hunt. The permittee must have permission from the lessee and the commissioner of university and school lands to hunt on lands controlled by the board of university and school lands. A permit issued under this subsection allows the permittee to drive, or to be driven, on to any land for the purposes of hunting wildlife, except that neither any other passenger within the vehicle nor the driver, if someone other than the permittee, may be a hunter, unless the other person is also a permittee. Provided, however, that if the land is privately owned and if the permittee is not going to drive or be driven along an established road or trail, the permittee must first obtain the consent of the owner or ~~tenant~~ lessee to hunt on the land in the manner provided in this title.

Approved March 16, 2001  
Filed March 16, 2001

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<sup>117</sup> Section 20.1-02-05 was also amended by section 1 of House Bill No. 1070, chapter 221, and section 1 of Senate Bill No. 2449, chapter 220.

## CHAPTER 220

### SENATE BILL NO. 2449

(Senators Mutch, Lyson, Stenehjem)  
(Representatives Carlisle, Carlson, Porter)

## GUIDE AND OUTFITTER RESTRICTIONS

AN ACT to create and enact a new section to chapter 20.1-03 of the North Dakota Century Code, relating to restrictions on guides and outfitters; and to amend and reenact subsection 17 of section 20.1-02-05 of the North Dakota Century Code, relating to the powers of the director of the game and fish department.

### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

<sup>118</sup> **SECTION 1. AMENDMENT.** Subsection 17 of section 20.1-02-05 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

17. Subject to ~~the provisions of~~ chapter 28-32, adopt rules for the licensing of guides or outfitters; and may require records and reports as the director determines necessary. The director may, after due hearing as provided in chapter 28-32, revoke or refuse to renew the license of ~~any~~ a person who violates the rules or fails to provide the records and reports. ~~Any person who acts as a guide or outfitter without a license is guilty of a class B misdemeanor.~~

**SECTION 2.** A new section to chapter 20.1-03 of the North Dakota Century Code is created and enacted as follows:

#### **Guides and outfitters - Rules - Restrictions.** An individual may not:

1. Act as a guide or outfitter or advertise or otherwise represent to the public that the individual is a guide or outfitter without first securing a license in accordance with this title and the applicable rules of the director;
2. Act as a certified guide or outfitter or advertise or otherwise represent to the public that the individual meets the qualifications of being certified without first complying with section 20.1-03-36;
3. Act as a hunting guide or outfitter on land owned by or private land enrolled by the department for the purpose of hunting;
4. Provide guiding or outfitting services to a person who has not obtained the appropriate license for the species sought by that person; or

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<sup>118</sup> Section 20.1-02-05 was also amended by section 1 of House Bill No. 1070, chapter 221, and section 1 of Senate Bill No. 2353, chapter 219.

5. Willfully and substantially misrepresent that person's facilities, prices, equipment, services, or hunting or fishing opportunities as a guide or outfitter.

Approved April 23, 2001  
Filed April 23, 2001

## CHAPTER 221

### HOUSE BILL NO. 1070

(Natural Resources Committee)

(At the request of the Game and Fish Department)

## HUNTER EDUCATION GRATIS LICENSES

AN ACT to create and enact a new subsection to section 20.1-02-05 and a new subsection to section 20.1-03-12 of the North Dakota Century Code, relating to gratis hunting licenses for certified hunter education volunteer instructors; and to amend and reenact subsection 18 of section 20.1-03-12 of the North Dakota Century Code, relating to certificate fees.

### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

<sup>119</sup> **SECTION 1.** A new subsection to section 20.1-02-05 of the 1999 Supplement to the North Dakota Century Code is created and enacted as follows:

Issue, as a means of rewarding dedication to teaching firearm hunter safety, complimentary lifetime resident certificates provided under section 3 of this Act and combination licenses provided under section 20.1-03-11.1 to resident certified hunter education volunteer instructors. Eligible persons must have served as a lead or assistant certified hunter education volunteer instructor in this state for a minimum of one course in each of thirty years. The license is known as the "lifetime combination license" and must be signed by the director and the person receiving the license. The license must be revoked by the director if the licenseholder is convicted of a felony or found to have violated any provision of this title.

<sup>120</sup> **SECTION 2. AMENDMENT.** Subsection 18 of section 20.1-03-12 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

18. For a permit to ship, by a person having a resident hunting license, during the respective open seasons, not to exceed in any one season twenty-five game birds, to points within this state other than that person's home or to points outside this state, three dollars. ~~For a resident certificate fee, one dollar, and for a nonresident certificate fee, two dollars. An agent may not charge a service fee for issuing a resident or nonresident certificate fee.~~

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<sup>119</sup> Section 20.1-02-05 was also amended by section 1 of Senate Bill No. 2353, chapter 219, and section 1 of Senate Bill No. 2449, chapter 220.

<sup>120</sup> Section 20.1-03-12 was also amended by section 3 of House Bill No. 1070, chapter 221, and section 2 of House Bill No. 1274, chapter 224.

<sup>121</sup> **SECTION 3.** A new subsection to section 20.1-03-12 of the 1999 Supplement to the North Dakota Century Code is created and enacted as follows:

For a resident certificate fee, one dollar, and for a nonresident certificate fee, two dollars. An agent may not charge a service fee for issuing a resident or nonresident certificate fee.

Approved March 6, 2001  
Filed March 6, 2001

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<sup>121</sup> Section 20.1-03-12 was also amended by section 2 of House Bill No. 1070, chapter 221, and section 2 of House Bill No. 1274, chapter 224.

**CHAPTER 222****SENATE BILL NO. 2025**  
(Legislative Council)  
(Agriculture Committee)**DEERPROOF HAY YARD PROGRAM**

AN ACT to create and enact a new section to chapter 20.1-02 of the North Dakota Century Code, relating to the deerproof hay yard program.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1.** A new section to chapter 20.1-02 of the North Dakota Century Code is created and enacted as follows:

**Deerproof hay yard program.** Within legislative appropriations, the director shall provide for a deerproof hay yard program. The deerproof hay yard program must provide materials and supplies at no cost to landowners for the establishment of deerproof hay yards to protect hay or feed on private property with deer depredation problems. The director may not discriminate against or penalize any landowner applying for or participating in the deerproof hay yard program on the basis of that landowner allowing hunting in exchange for compensation.

Approved March 16, 2001  
Filed March 16, 2001

## CHAPTER 223

### SENATE BILL NO. 2427

(Senators Stenehjem, Fischer, Freborg)  
(Representatives Carlson, Drovdal, Porter)

## DEER HUNTING BY HANDICAPPED PERSONS

AN ACT to amend and reenact subsection 6 of section 20.1-03-11 of the North Dakota Century Code, relating to the hunting of deer by handicapped persons.

### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Subsection 6 of section 20.1-03-11 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

6. ~~Any~~ A person who is ~~permanently~~ unable to ~~walk for purposes of hunting or taking wildlife~~ step from a vehicle without aid of a wheelchair, crutch, brace, or other mechanical support or prosthetic device or who is unable to walk any distance because of a permanent lung, heart, or other internal disease that requires the person to use supplemental oxygen to assist breathing and who receives or obtains, whether issued by lottery or otherwise, a license to hunt deer, is entitled to convert one license to take any sex or species of deer in the unit or subunit for which the license is issued. Notwithstanding any other law or any provision contained in the governor's proclamation concerning the hunting of deer, ~~any~~ a person who is ~~permanently~~ unable to ~~walk for purposes of hunting or taking wildlife~~ step from a vehicle without aid of a wheelchair, crutch, brace, or other mechanical support or prosthetic device or who is unable to walk any distance because of a permanent lung, heart, or other internal disease that requires the person to use supplemental oxygen to assist breathing is entitled to apply for a license to hunt deer regardless of whether that person received a license to hunt deer in any prior year.

Approved April 23, 2001  
Filed April 23, 2001

## CHAPTER 224

### HOUSE BILL NO. 1274 (Representatives Kretschmar, Porter) (Senators Erbele, Traynor)

## NONRESIDENT GUIDE SERVICES

AN ACT to amend and reenact section 20.1-03-11.2 and subsection 42 of section 20.1-03-12 of the North Dakota Century Code, relating to guide and outfitting services provided to nonresidents.

### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Section 20.1-03-11.2 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**20.1-03-11.2. Guides Certified guides and outfitters - White-tailed deer licenses - Fees.** The governor shall make one-half of the antlered white-tailed deer licenses and permits allocated to nonresidents under subsection 4 of section 20.1-03-11, up to a maximum of one hundred licenses, available to certified guides or outfitters licensed in this state. A certified guide or outfitter may not purchase or obtain more than five white-tailed deer licenses under this section in any one year. A certified guide or outfitter shall pay the fee required for a white-tailed deer license sold to guides or outfitters and provided by them to nonresidents for each license purchased under this section. A certified guide or outfitter may provide to nonresidents, for compensation, big game guiding and outfitting services and one white-tailed deer license per nonresident as provided in this section to hunt white-tailed deer in the manner, at the places, and during the times the governor prescribes by proclamation.

<sup>122</sup> **SECTION 2. AMENDMENT.** Subsection 42 of section 20.1-03-12 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

42. For a white-tailed deer license sold to certified guides or outfitters and provided by them to nonresidents, two hundred fifty dollars.

Approved April 3, 2001  
Filed April 3, 2001

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<sup>122</sup> Section 20.1-03-12 was also amended by section 2 of House Bill No. 1070, chapter 221, and section 3 of House Bill No. 1070, chapter 221.



## CHAPTER 225

### HOUSE BILL NO. 1238

(Representatives Nottestad, Brekke, Carlson)  
(Senator Espegard)

### NONRESIDENT LICENSE VENDORS

AN ACT to amend and reenact section 20.1-03-17 of the North Dakota Century Code, relating to use of out-of-state vendors by county auditors to sell fishing licenses and appointment of agents to sell game and fish licenses.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Section 20.1-03-17 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**20.1-03-17. Issuance of licenses - Who to issue - County auditor may appoint agents to receive service fees - Disposition of proceeds - Continuing appropriation.** All hunting, fur-bearer, fishing, and taxidermists' licenses must be issued by county auditors, the director, deputy director, and bonded game wardens. The county auditors, deputy director, and each bonded game warden shall send the director all license fees. For each license the county auditor issues, the county auditor shall collect the authorized charges and record them in the county auditor's record of cash received. ~~The~~ Unless the county auditor and the board of county commissioners execute a written agreement providing for the disposition of compensation for the issuance of licenses, the county auditor is entitled to be reimbursed, as compensation, twenty-five cents for the issuance of each of the first one thousand resident hunting, fishing, or fur-bearer licenses issued each year and fifteen cents for the issuance of each resident hunting, fishing, or fur-bearer license issued in excess of the first one thousand licenses issued each year; one dollar for the issuance of each nonresident hunting or fur-bearer license; twenty-five cents for the issuance of each nonresident fishing license; and ten cents for the issuance of each nonresident general game license. The compensation due ~~the county auditor~~ for the issuance of licenses is hereby appropriated as a standing and continuing appropriation from the game and fish fund for the purposes of this section.

The county auditor may appoint agents to distribute hunting and fishing licenses or stamps. ~~However, a~~ A county auditor may not provide hunting or fishing licenses to agents located outside this state, but the director may provide licenses to agents located outside this state if there are no agents located a reasonable distance within this state where nonresidents may obtain licenses. The director and county auditor may require agents to show evidence of adequate financial security before the agents are appointed. Adequate financial security may be evidenced by a letter of credit, cash deposit, or bond. Agents may be bonded through the state bonding fund. The agents may charge purchasers a service fee of fifty cents for each license. Service fees may be retained by the agent. The agent shall return the remainder of the license fees must be returned to the county auditor, for deposit with the county treasurer, or to the director if the agent is appointed by the director, at least once each month, and not later than three days after the close of the month. Notwithstanding section 26.1-21-11, if a claim against the state bonding fund is not filed within sixty days of the expiration of the reporting period provided in this section, the claim is waived. Deposits are to be accompanied by a report showing the amounts received from the sale of each type of license, the amount retained, and the

net amounts deposited. The county treasurer shall credit the fees so deposited to a separate account and shall hold the fees, subject to warrant for payment thereof drawn by the county auditor in favor of the director. The director shall deposit all license or stamp fees received with the state treasurer to be credited to the game and fish fund.

Approved March 27, 2001

Filed March 27, 2001

## CHAPTER 226

### HOUSE BILL NO. 1356

(Representatives Wrangham, DeKrey, Hanson)  
(Senators Christmann, Freborg)

### SPEARFISHING

AN ACT to amend and reenact section 20.1-06-08 of the North Dakota Century Code, relating to the governor's proclamation concerning spearfishing from dark houses.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Section 20.1-06-08 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**20.1-06-08. Spearfishing Governor's proclamation concerning spearfishing from dark houses.** ~~Fish may be taken~~ The governor shall provide by proclamation for the taking of fish by spearing through the ice from dark houses. Spearfishing seasons, and the species ~~which~~ that may be taken, must be by established methods provided for ~~by~~ in the governor's order or proclamation. A nonresident may spearfish in this state if the nonresident's state of residence provides the same privilege for residents of this state. The fishing license provided for in chapter 20.1-03 includes the privilege of ~~such~~ spearfishing.

Approved March 20, 2001

Filed March 21, 2001

**CHAPTER 227****SENATE BILL NO. 2345**  
(Senator Trenbeath)  
(Representative Tieman)**MUZZLELOADING DEER HUNTING SEASON**

AN ACT to amend and reenact section 20.1-08-04.5 of the North Dakota Century Code, relating to hunting deer with muzzleloading firearms.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. AMENDMENT.** Section 20.1-08-04.5 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**20.1-08-04.5. Governor's proclamation concerning the hunting of deer with muzzleloading firearms.** The governor shall by proclamation provide for a ~~nine and one-half consecutive day~~ muzzleloading firearm season following the regular deer hunting season to hunt deer with muzzleloading firearms in the manner, number, places, and times as the governor prescribes. Licenses to hunt deer with muzzleloading firearms must be issued by the director by lottery as prescribed by the director. The director shall issue two percent of the total white-tailed deer gun licenses available each year to hunters with muzzleloading firearms. Of the two percent, one-half of the licenses issued may be for antlered white-tailed deer.

Approved April 19, 2001  
Filed April 19, 2001

## CHAPTER 228

### HOUSE BILL NO. 1075

(Natural Resources Committee)

(At the request of the Board of University and School Lands)

## GAME AND FISH REFUGE AND MANAGEMENT AREAS

AN ACT to amend and reenact sections 20.1-11-04 and 20.1-11-05 of the North Dakota Century Code, relating to the authority of the director of the game and fish department to establish game refuges and game and fish management areas on public land.

### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Section 20.1-11-04 of the North Dakota Century Code is amended and reenacted as follows:

**20.1-11-04. Game refuges on public lands may be established by director - Duration of public land refuges.** The director may establish state game refuges on any unsold public lands of this state with the written consent of the entity responsible for the management of those lands. The refuge continues to exist until canceled by the director or the land management entity, or until the land on which it is located is sold to a private person.

**SECTION 2. AMENDMENT.** Section 20.1-11-05 of the North Dakota Century Code is amended and reenacted as follows:

**20.1-11-05. Establishment of state game or fish management areas.** The director may establish game or fish management areas upon any state-owned lands for the use and benefit of the game and fish department with the written consent of the entity responsible for the management of any state-owned lands, or upon any publicly or privately owned land leased or given by license to the game and fish department for hunting and fishing purposes. These game or fish management areas may be opened for hunting, fishing, or trapping under chapter 20.1-08. The director may adopt rules concerning the use of game or fish management areas pursuant to chapter 28-32.

Approved March 19, 2001

Filed March 19, 2001

**CHAPTER 229****SENATE BILL NO. 2051**  
(Senators Wardner, Lyson)  
(Representatives Clark, Drovdal)**MOTORBOAT SALES OR USE TAX PAYMENT**

AN ACT to create and enact a new section to chapter 20.1-13 of the North Dakota Century Code, relating to evidence of sales or use tax payment or exemption for motorboat licensing.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1.** A new section to chapter 20.1-13 of the North Dakota Century Code is created and enacted as follows:

**Evidence of tax payment or exemption.** With an application for a motorboat number and license under section 20.1-13-03 by an applicant in whose name the motorboat has not previously been licensed, the applicant shall present proof of payment of sales or use tax that was due upon acquisition or bringing the motorboat into this state for storage or use in this state or shall present proof of exemption from sales or use taxes. Credit for taxes paid by the applicant upon acquisition of the motorboat in another state must be allowed as provided in section 57-40.2-11 if proof of that payment is presented. To establish that the motorboat was acquired through a casual sale and qualifies for exempt status, the applicant shall present a receipt for the sale signed by the seller and showing the seller's name and address. The department may waive the furnishing of a signed receipt for a casual sale if the applicant shows good cause why a receipt is unavailable and signs a statement showing the name and address of the seller and stating that to the best of the applicant's knowledge the seller is not in the business of selling boats.

Approved March 12, 2001  
Filed March 12, 2001

## CHAPTER 230

### SENATE BILL NO. 2178

(Senators Lyson, O'Connell, Stenehjem)  
(Representatives Carlisle, Drovdal, Rennerfeldt)

## INTERSTATE WILDLIFE VIOLATOR COMPACT

AN ACT to enter the interstate wildlife violator compact; and to provide a penalty.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. Interstate wildlife violator compact.** The interstate wildlife violator compact is entered with all states legally joining the compact, in the form substantially as follows:

### ARTICLE 1. FINDINGS, DECLARATION OF POLICY, AND PURPOSE

1. The participating states find that the following provisions apply:
  - a. Wildlife resources are managed in trust by the respective states for the benefit of all residents and visitors.
  - b. The protection of the wildlife resources of a state is materially affected by the degree of compliance with state statutes, laws, ordinances, regulations, and administrative rules relating to the management of such resources.
  - c. The preservation, protection, management, and restoration of wildlife contributes immeasurably to the aesthetic, recreational, and economic aspects of such natural resources.
  - d. Wildlife resources are valuable without regard to political boundaries; therefore, every person should be required to comply with wildlife preservation, protection, management and restoration laws, ordinances, regulations, and administrative rules of the participating states as a condition precedent to the continuance or issuance of any license to hunt, fish, trap, or possess wildlife.
  - e. Violation of wildlife laws interferes with the management of wildlife resources and may endanger the safety of persons and property.
  - f. The mobility of many wildlife law violators necessitates the maintenance of channels of communication among the various states.
  - g. In most instances, a person who is cited for a wildlife violation in a state other than that person's own state:
    - (1) Is required to post collateral or a bond to secure appearance for a trial at a later date;
    - (2) Is taken into custody until the collateral or bond is posted; or

- (3) Is taken directly to court for an immediate appearance.
  - h. The purpose of the enforcement practices set forth in subdivision g is to ensure compliance with the terms of a wildlife citation by the cited person who, if permitted to proceed after receiving the citation, could return to the person's home state and disregard the person's duty under the terms of the citation.
  - i. In most instances, a person receiving a wildlife citation in that person's home state is permitted to accept the citation from the officer at the scene of the violation and immediately proceed after agreeing or being instructed to comply with the terms of the citation.
  - j. The practices described in subdivision g cause unnecessary inconvenience and, at times, a hardship for the person who is unable at the time to post collateral, furnish a bond, stand trial, or pay a fine and is thus compelled to remain in custody until some alternative arrangement is made.
  - k. The enforcement practices described in subdivision g consume an undue amount of law enforcement time.
2. It is the policy of the participating states to:
    - a. Promote compliance with the statutes, laws, ordinances, regulations, and administrative rules relating to management of wildlife resources in their respective states;
    - b. Recognize the suspension of wildlife license privileges of any person whose license privileges have been suspended by a participating state and may treat such suspension as if it had occurred in their state;
    - c. Allow a violator, except as provided in subsection 2 of article 3, to accept a wildlife citation and proceed without delay, whether or not a resident of the state in which the citation was issued, provided that the violator's home state is party to this compact;
    - d. Report to the appropriate participating state, as provided in the compact manual, any conviction recorded against any person whose home state was not the issuing state;
    - e. Allow the home state to recognize and treat convictions recorded against its residents, which convictions occurred in a participating state, as though they occurred in the home state;
    - f. Extend cooperation to its fullest extent among the participating states for enforcing compliance with the terms of a wildlife citation issued in one participating state to a resident of another participating state;
    - g. Maximize effective use of law enforcement personnel and information; and
    - h. Assist court systems in the efficient disposition of wildlife violations.



3. The purpose of this compact is to:
  - a. Provide a means through which participating states may join in a reciprocal program to effectuate the policies enumerated in subsection 2 in a uniform and orderly manner; and
  - b. Provide for the fair and impartial treatment of wildlife violators operating within participating states in recognition of the violator's right to due process and the sovereign status of a participating state.

## ARTICLE 2. DEFINITIONS

As used in this compact and sections 2 through 5 of this Act, unless the context requires otherwise, the following definitions apply:

1. "Citation" means any summons, complaint, summons and complaint, ticket, penalty assessment, or other official document that is issued to a person by a wildlife officer or other peace officer for a wildlife violation and that contains an order requiring the person to respond.
2. "Collateral" means any cash or other security deposited to secure an appearance for trial in connection with the issuance by a wildlife officer or other peace officer of a citation for a wildlife violation.
3. "Compliance" with respect to a citation means the act of answering a citation through an appearance in a court or tribunal, or through the payment of fines, costs, and surcharges, if any.
4. "Conviction" means a conviction, including any court conviction, for any offense that is related to the preservation, protection, management, or restoration of wildlife and that is prohibited by state statute, law, regulation, ordinance, or administrative rule. The term also includes the forfeiture of any bail, bond, or other security deposited to secure appearance by a person charged with having committed any such offense, the payment of a penalty assessment, a plea of nolo contendere, and the imposition of a deferred or suspended sentence by the court.
5. "Court" means a court of law, including magistrate's court and the justice of the peace court.
6. "Home state" means the state of primary residence of a person.
7. "Issuing state" means the participating state which issues a wildlife citation to the violator.
8. "License" means any license, permit, or other public document that conveys to the person to whom it was issued the privilege of pursuing, possessing, or taking any wildlife regulated by statute, law, regulation, ordinance, or administrative rule of a participating state.
9. "Licensing authority" means the department or division within each participating state that is authorized by law to issue or approve licenses or permits to hunt, fish, trap, or possess wildlife.

10. "Participating state" means any state that enacts legislation to become a member of this wildlife compact.
11. "Personal recognizance" means an agreement by a person made at the time of issuance of the wildlife citation that such person will comply with the terms of the citation.
12. "State" means any state, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the provinces of Canada, and other countries.
13. "Suspension" means any revocation, denial, or withdrawal of any or all license privileges, including the privilege to apply for, purchase, or exercise the benefits conferred by any license.
14. "Terms of the citation" means those conditions and options expressly stated in the citation.
15. "Wildlife" means all species of animals including mammals, birds, fish, reptiles, amphibians, mollusks, and crustaceans, which are defined as "wildlife" and are protected or otherwise regulated by statute, law, regulation, ordinance, or administrative rule in a participating state. Species included in the definition of "wildlife" for purposes of this compact are based on state or local law.
16. "Wildlife law" means any statute, law, regulation, ordinance, or administrative rule developed and enacted for the management of wildlife resources and the uses thereof.
17. "Wildlife officer" means any individual authorized by a participating state to issue a citation for a wildlife violation.
18. "Wildlife violation" means any cited violation of a statute, law, regulation, ordinance, or administrative rule developed and enacted for the management of wildlife resources and the uses thereof.

### ARTICLE 3. PROCEDURES FOR ISSUING STATE

1. When issuing a citation for a wildlife violation, a wildlife officer shall issue a citation to any person whose primary residence is in a participating state in the same manner as though the person were a resident of the issuing state and may not require such person to post collateral to secure appearance, subject to the exceptions noted in subsection 2, if the officer receives the recognizance of such person that the person will comply with the terms of the citation.
2. Personal recognizance is acceptable:
  - a. If not prohibited by state or local law or the compact manual; and
  - b. If the violator provides adequate proof of identification to the wildlife officer.
3. Upon conviction or failure of a person to comply with the terms of a wildlife citation, the appropriate official shall report the conviction or failure to comply to the licensing authority of the participating state in

which the wildlife citation was issued. The report must be made in accordance with procedures specified by the issuing state and must contain information as specified in the compact manual as minimum requirements for effective processing by the home state.

4. Upon receipt of the report of conviction or noncompliance pursuant to subsection 3, the licensing authority of the issuing state shall transmit to the licensing authority of the home state of the violator the information in form and content as prescribed in the compact manual.

#### ARTICLE 4. PROCEDURE FOR HOME STATE

1. Upon receipt of a report from the licensing authority of the issuing state reporting the failure of a violator to comply with the terms of a citation, the licensing authority of the home state shall notify the violator and may initiate a suspension action in accordance with the home state's suspension procedures and may suspend the violator's license privileges until satisfactory evidence of compliance with the terms of the wildlife citation has been furnished by the issuing state to the home state licensing authority. Due process safeguards will be accorded.
2. Upon receipt of a report of conviction from the licensing authority of the issuing state, the licensing authority of the home state may enter such conviction in its records and may treat such conviction as though it occurred in the home state for the purposes of the suspension of license privileges if the violation resulting in a suspension could have been the basis for suspension of license privileges in the home state.
3. The licensing authority of the home state shall maintain a record of actions taken and shall make reports to issuing states as provided in the compact manual.

#### ARTICLE 5. RECIPROCAL RECOGNITION OF SUSPENSION

1. All participating states may recognize the suspension of license privileges of any person by any participating state as though the violation resulting in the suspension had occurred in their state and could have been the basis for suspension of license privileges in their state.
2. Each participating state shall communicate suspension information to other participating states in form and content as contained in the compact manual.

#### ARTICLE 6. APPLICABILITY OF OTHER LAWS

Except as expressly required by this compact, nothing herein may be construed to affect the right of any participating state to apply any of its laws relating to license privileges to any person or circumstance or to invalidate or prevent any agreement or other cooperative arrangement between a participating state and a nonparticipating state concerning wildlife law enforcement.

#### ARTICLE 7. COMPACT ADMINISTRATOR - PROCEDURES

1. For the purposes of administering this compact and to serve as a governing body for the resolution of all matters relating to the operation

of this compact, a board of compact administrators is established. The board is composed of one representative from each of the participating states to be known as the compact administrator. The compact administrator must be appointed by the head of the licensing authority of each participating state and serves and is subject to removal in accordance with the laws of the state the compact administrator represents. A compact administrator may provide for the discharge of duties and the performance of functions as a board member by an alternate. An alternate is not entitled to serve unless written notification of the identity of the alternate has been given to the board.

2. Each member of the board of compact administrators is entitled to one vote. No action of the board is binding unless taken at a meeting at which a majority of the total number of the board's votes are cast in favor thereof. Action by the board may be only at a meeting at which a majority of the participating states is represented.
3. The board shall elect annually from its membership a presiding officer and a vice presiding officer.
4. The board shall adopt bylaws not inconsistent with the provisions of this compact or the laws of a participating state for the conduct of its business and may amend and rescind its bylaws.
5. The board may accept for any of its purposes and functions under this compact any and all donations and grants of money, equipment, supplies, materials, and services, conditional or otherwise, from any state, the United States, or any governmental agency, and receive, utilize, and dispose of the same.
6. The board may contract with, or accept services or personnel from, any governmental or intergovernmental agency, individual, firm, or corporation, or any private nonprofit organization or institution.
7. The board shall formulate all necessary procedures and develop uniform forms and documents for administering the provisions of this compact. All procedures and forms adopted pursuant to board action must be contained in a compact manual.

#### ARTICLE 8. ENTRY INTO COMPACT AND WITHDRAWAL

1. This compact becomes effective at such time as it is adopted in a substantially similar form by two or more states.
2. a. Entry into the compact must be made by resolution of ratification executed by the authorized officials of the applying state and submitted to the presiding officer of the board.  
b. The resolution must substantially be in the form and content as provided in the compact manual and must include the following:
  - (1) A citation of the authority from which the state is empowered to become a party to this compact;
  - (2) An agreement of compliance with the terms and provisions of this compact; and

- (3) An agreement that compact entry is with all states participating in the compact and with all additional states legally becoming a party to the compact.
  - c. The effective date of entry must be specified by the applying state but may not be less than sixty days after notice has been given:
    - (1) By the presiding officer of the board of the compact administrators; or
    - (2) By the secretariat of the board to each participating state that the resolution from the applying state has been received.
3. A participating state may withdraw from participation in this compact by official written notice to each participating state, but withdrawal does not become effective until ninety days after the notice of withdrawal is given. The notice must be directed to the compact administrator of each member state. Withdrawal of any state does not affect the validity of this compact as to the remaining participating states.

#### ARTICLE 9. AMENDMENTS TO THE COMPACT

1. This compact may be amended from time to time. Amendments must be presented in resolution form to the presiding officer of the board of the compact administrators and must be initiated by one or more participating states.
2. Adoption of an amendment requires endorsement by all participating states and becomes effective thirty days after the date of the last endorsement.
3. Failure of a participating state to respond to the compact presiding officer within one hundred twenty days after receipt of a proposed amendment constitutes endorsement thereof.

#### ARTICLE 10. CONSTRUCTION AND SEVERABILITY

This compact must be liberally construed so as to effectuate the purposes stated herein. The provisions of this compact are severable, and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any participating state or the United States, or the applicability thereof to any government, agency, individual, or circumstance is held invalid, the validity of the remainder of the compact is not affected thereby. If this compact is held contrary to the constitution of any participating state, the compact remains in full force and effect as to the remaining states and in full force and effect as to the participating state affected as to all severable matters.

#### **SECTION 2. Department authorization to effect purposes of compact.**

1. The department shall enforce the interstate wildlife violator compact and shall do all things within the department's jurisdiction that are appropriate in order to effectuate the purposes and the intent of the compact.
2. The department, in consultation with the chairman of the legislative council, is authorized on behalf of the state to enter or withdraw from the

interstate wildlife violator compact pursuant to the terms of article 8 of the compact.

3. The department, in consultation with the chairman of the legislative council, is authorized to adopt amendments to the interstate wildlife violator compact pursuant to the terms of article 9 of the compact.

**SECTION 3. Reciprocal recognition of license suspensions - Suspension of privileges for conviction in participating state - Penalty.**

1. When the department receives notice of the suspension of a person's hunting, trapping, or fishing privileges by a participating state, the department shall determine whether the violation leading to the suspension could have led to the forfeiture of privileges under this state's law. If the department determines that the person's privileges could have been forfeited, the department may suspend the person's privileges to hunt, trap, or fish in this state for the same period as imposed by the participating state not to exceed the maximum limits allowed by state law.
2. When the department receives notice of a conviction of a state resident from the licensing authority of the issuing state, the department may treat the conviction as if it had occurred in this state and shall determine whether the conviction could have led to the forfeiture of the resident's hunting, trapping, or fishing privileges under state law. If the department determines that the resident's privileges could have been forfeited, the department may suspend the resident's privileges to hunt, trap, or fish in this state for the same period as the issuing state, not to exceed the limit that could have been imposed under state law.
3. Notice of the suspension must be sent to the person, who must surrender any current North Dakota hunting, trapping, or fishing licenses to the department within ten days.
4. A person whose privileges have been suspended and who hunts, traps, or fishes in this state, who applies for or purchases any licenses or permits to hunt, trap, or fish in this state, or who refuses to surrender any current hunting, trapping, or fishing licenses as required is guilty of a class A misdemeanor.

**SECTION 4. Suspension of privileges for failure to comply with citation issued in participating state - Penalty.**

1. The department may suspend the hunting, trapping, or fishing privileges of any resident of this state upon notification from the licensing authority of an issuing state that the resident has failed to comply with the terms of a citation issued for a wildlife violation. The suspension remains in effect until the department receives satisfactory evidence of compliance from the issuing state.
2. Notice of the suspension must be sent to the resident, who shall surrender all current North Dakota hunting, trapping, or fishing licenses to the department within ten days.
3. A person who hunts, traps, or fishes, who applies for or purchases licenses or permits, or who refuses to surrender any current hunting,

trapping, or fishing license in violation of this section is guilty of a class A misdemeanor.

### **SECTION 5. Hearing on suspension.**

1. Upon suspending the hunting, trapping, or fishing privileges of any person under section 3 or 4 of this Act, the department shall immediately notify the person in writing. The person may, within twenty days of the notice, request a hearing before the department on whether the requirements for suspension have been met.
2. Upon request, the department shall set a hearing as early as practicable.
3. a. The requesting person may present evidence and arguments at the hearing contesting whether:
  - (1) A participating state suspended the person's privileges;
  - (2) There was a conviction in the participating state;
  - (3) The person failed to comply with the terms of a citation issued for a wildlife violation in a participating state; or
  - (4) A conviction in a participating state could have led to the forfeiture of privileges under North Dakota law.
- b. Grounds other than those listed in subdivision a may not be used to contest the department's decision to suspend the person's privileges.
4. At the hearing, the department, through its authorized agent, may:
  - a. Administer oaths;
  - b. Issue subpoenas for the attendance of witnesses; and
  - c. Admit all relevant evidence and documents, including notifications from participating states.
5. Following the hearing, the department, through its authorized agent, may, based on the evidence, affirm, modify, or rescind the suspension of privileges.

Approved March 15, 2001  
Filed March 15, 2001

**CHAPTER 231****HOUSE BILL NO. 1269**

(Representatives Hanson, S. Kelsh, Kroeber)  
(Senators Nething, Stenehjem, Wanzek)

**RESIDENT AND NONRESIDENT HUNTING STUDY**

AN ACT to provide for a legislative council study of issues relating to resident and nonresident hunting in this state.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. LEGISLATIVE COUNCIL STUDY OF RESIDENT AND NONRESIDENT HUNTING.** During the 2001-2002 interim, the legislative council shall study issues relating to resident and nonresident hunting in this state. The study must include the number of licenses issued to residents and nonresidents and the fees for those licenses, the time period for which a license is valid, whether zones should be established, effects on landowners, effects on guides and outfitters, the economic impact of nonresident hunters on the state of North Dakota, and how states bordering North Dakota are addressing issues relating to nonresident and resident hunting. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-eighth legislative assembly.

Approved April 18, 2001

Filed April 18, 2001